

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JUDY LEVIN,)
Plaintiff)
)
v.) CIVIL ACTION NO. 05-11618-WGY
)
E.I. DU PONT DE NEMOURS)
AND COMPANY,)
Defendant)
)

**JOINT MOTION FOR CONTINUANCE PENDING A DECISION
BY THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

Plaintiff Judy Levin and defendant E.I. du Pont de Nemours and Company jointly move the Court to continue this matter and extend the time for defendant to answer or otherwise respond. In support of their motion, the parties state as follows:

1. Plaintiff served her original complaint in this action on August 10, 2005.

By stipulation of the parties, defendant's answer or other response is currently due October 31, 2005. However, plaintiff intends to send a revised chapter 93A letter and file an amended complaint to add a chapter 93A claim.

2. This action is one of fourteen purported state-wide class actions filed in different federal district courts. There has not yet been a scheduling conference with any Court.

3. Plaintiff in this case and plaintiffs from other jurisdictions are requesting that the Judicial Panel on Multidistrict Litigation consolidate this case with similar actions pursuant to 28 U.S.C. § 1407.

4. In light of plaintiffs' request for an MDL, the parties ask that the matter be continued until after a determination is made by the Judicial Panel on Multidistrict Litigation.

5. In addition, the parties request that the time for defendant to answer or otherwise respond in this action be extended until such time as an MDL transferee Court orders or 30 days after denial of plaintiffs' request for an MDL by the Judicial Panel on Multidistrict Litigation.

6. Absent a continuance, the Court and the parties may be required to invest resources in this proceeding despite the fact that this Court may lose jurisdiction over this matter.

WHEREFORE, the parties jointly request that the Court grant their Motion for Continuance pending the transfer decision of the Judicial Panel on Multidistrict Litigation.

JUDY LEVIN
By her attorneys

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